HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1624 of 2005 (SS)

Bharat Chandra Thakur s/o Sri Mahajan Chandra Thakur
Deputy Ranger, Bhawali Range, Nainital ..... Petitioner

Versus

1. State of Uttaranchal through Secretary Forest Department Uttaranchal, Dehradun
2. Divisional Forest Officer, Forest Division, Nainital

..... Respondents

Sri M.C. Bhatt, Advocate for the petitioner
Standing Counsel for the respondents.

Dated: 22.2.2006

Hon'ble Rajesh Tandon, J.

Heard the learned counsel for the parties at length.

By the present writ petition, the petitioner has prayed for a writ of mandamus directing the respondent no. 2 to pay the regular salary with arrears of the salary to the petitioner.

Briefly stated according to the petitioner he has been posted as Deputy Ranger in Bhowali Forest Range. He fell ill and has undergone treatment for T.B. ailment from 15.2.2000 to 30.4.2001. He was getting salary till July 2004 but thereafter respondent no. 2 sent a letter on 13.8.2004 directing the petitioner to get himself medically examined by Medical Board within 7 days failing which he shall not be paid salary. The petitioner has alleged that from August 2004, payment of

salary to him has been stopped by the respondent no. 2. The petitioner sent a letter on 7.5.2005 to the respondent no. 2 stating that the matter of examination of the medical leave certificate is pending before the Chief Medical Superintendent Man Singh Hospital, Bareilly and despite of his efforts he has not been given copy of the medical report.

The petitioner has submitted that he has given several representations to the respondents but he has not being paid his salary.

At the time of arguments the counsel for the petitioner confined his prayer for disposal of the representation only.

In view of above, liberty is given to the petitioner to file a fresh representation within 15 days after obtaining certified copy of this order, which shall be disposed of by the respondents within one month thereafter. In the meanwhile salary be paid to the petitioner forthwith for the period he remained on duty.

Dated: 22.2.2006 **Rajesh Tandon, J.**

* Dhyani